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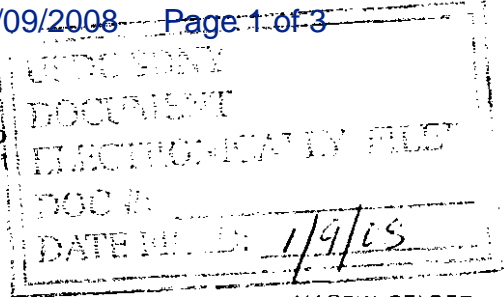
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MARTIN GELBER  
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January 7, 2008

**VIA FEDERAL EXPRESS**

Honorable Judge Louis L. Stanton, U.S.D.J.  
Chamber of Judge Stanton  
U.S. Southern District Court of New York  
500 Pearl Street  
New York, NY 10007

**RE:** Re: Lyons Partnership, L.P., et al v. Party Art Productions, Inc., Roberta Herman, Philip Herman, Magic Agency, Inc. and Carol Shelley Carroll, et al; S.D.N.Y., Civil No. 07-7121 (Judge Stanton)

Dear Judge Stanton:

We are counsel to the above named Defendants and this letter is responsive to Plaintiff's Motion for Reconsideration of Your Honor's December 14, 2007 Order, which Motion was filed after 9:00pm on Friday January 4, 2007, 5 hours after counsel conducted a fruitless telephone counsel to address the completeness and compliance of Plaintiffs' document disclosures responsive to Your Honor's December 14, 2007 Order.

During our January 4, 2007 conference call, Plaintiffs' counsel stated that they would be filing later that day a Motion for Reconsideration of Your Honor's December 14, 2007 Order, even though we specifically alerted them that pursuant to Rule 2 of Your Honor's Individual Practices:

"Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2. For motions other than discovery motions, a pre-motion conference with the court is required before making any motion, except applications for temporary restraining orders or for injunctive relief, motions made by persons in custody, motions to dismiss in lieu of an answer, motions

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<sup>1</sup>Attached are numerous communications between counsel from December 17, 2007 through January 6, 2008 detailing Defendants' objections to Plaintiffs' "compliance" with Your Honor's December 14, 2007 Order.

for reduction of sentence, motions for reargument, motions to affirm or vacate an arbitration award, Pro Hac Vice motions, and appeals from a magistrate judge's rulings. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion."

As stated in Attorney Adelman's attached January 5, 2007 email response to Plaintiffs' Motion, "[t]here is no possibility that your motion fits within one of the described exceptions and therefore your failure to arrange a pre-motion conference violates those individual practices."

Moreover, notwithstanding that Plaintiffs' counsel has willfully flouted Your Honor's Individual Practices, their Motion is fatally flawed and untimely. Pursuant to Local Civil Rule 6.3, "a notice of motion for reconsideration or reargument of a court order...shall be served within ten (10) days after the entry of the court's determination...".

Your Honor's December 14, 2007 Order was entered on December 17, 2007 and Plaintiffs' Motion was filed 18 days later at 9:00 pm on Friday, January 4, 2007, with undersigned counsel receiving notice on the business morning of January 7, 2007 (21 days after entry of the Court's December 17, 2007 Order). Accordingly, as Plaintiffs have failed to comply with Local Civil Rule 6.3, their Motion should be dismissed sua sponte.

Undersigned Counsel respectfully requests a Pre-Motion Conference with Your Honor to compel Plaintiffs' compliance with the entirety of Your Honor's December 14, 2007 Order and for such other relief as the Court deems just and proper.

Respectfully submitted,

INGBER & GELBER, LLP

By: Mark J. Ingber

Encl.

Denied. The motion for reconsideration was timely brought, and under my rules no pre-motion conference was needed.

Defendants shall respond within the time set by the Federal Rules of Civil Procedure and the local rules.

Oral argument will be held on Tuesday January 29, 2008 at 3 P.M.  
So ordered. Louis L. Stanton 1/2/08

cc: Gary Adelman, Esq., w/encl. (Via Email)

Brian Greenfield, Esq., w/encl. (Via Email)

Michael Pinnisi, Esq., w/encl. (Via Email)

Matthew Kaplan, Esq., w/encl. (Via Email)

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JANUARY 7, 2007 LETTER TO JUDGE STANTON.wpd